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12 IN THE UNITED STATES DISTRICT COURT
13 EASTERN DISTRICT OF CALIFORNIA

14 UNITED STATES OF AMERICA,
15 PLAINTIFF,
16 v.
17 MARTIN LEIVA-LEIVA ET AL,
18 DEFENDANTS.

CASE NO. 1:22-CR-00232-JLT-SKO

STIPULATION REGARDING PROTECTIVE
ORDER

1. As described more fully below, the parties, pursuant to Rule 16 of the Federal Rules of
2 Criminal Procedure, for the reasons set forth below, agree to a Protective Order in this case restricting
3 the use and dissemination of certain materials containing statements and other confidential information
4 of victims, witnesses, and third parties, including confidential witness information.

2. The investigation was developed based, in part, on information provided by witnesses
3 and confidential sources, whose identities may be apparent to the defendants/defense upon review of the
4 reports, photographs, and/or recordings contained in the discovery material.

3. The purpose of the proposed Protective Order is to prevent the unauthorized
4 dissemination, distribution, or use of materials containing the statements and information of these
5 witnesses. If this information is disclosed without protective measures, or to defendants without
6 limitation, it will risk the privacy and security of the person to whom the information relates. The
7 information could itself be used to further criminal activity if improperly disclosed or used. The United

1 States has ongoing obligations to protect the witnesses, including confidential witnesses, contained in
2 these documents and/or recordings.

3 4. Accordingly, the parties jointly enter into this Protective Order that will permit the
4 government to make available the materials, but preserves the privacy and security of the witnesses.
5 The parties agree that the following conditions will serve the government's interest in maintaining the
6 privacy and security of the witnesses, while permitting the Defense Team to understand the United
7 States' evidence against the defendants.

II. PROPOSED PROTECTIVE ORDER AGREEMENT

A. Protected Materials

10 5. This Agreement pertains to discovery produced to defense counsel containing the
11 statements of witnesses, victim, and confidential witnesses in this case (hereafter, collectively “Protected
12 Materials”). These items will be readily identifiable by a Bates Stamp on each item with the phrase
13 “Attorney’s Eyes Only.”

14 6. To the extent that notes are made that memorialize, in whole or in part, the identity of the
15 witnesses, or statements that indicate the identity of the witnesses, in any Protected Materials, or to the
16 extent that copies are made for authorized use by members of the Defense Team, such notes, copies, or
17 reproductions become Protected Materials, subject to the Protective Order Agreement and must be
18 handled in accordance with the terms of the Protective Order Agreement.

B. Defense Team

20 7. For purposes of this Agreement, the term "Defense Counsel" refers to the defendant's
21 counsel of record.

22 8. For purposes of this Agreement, the term “Defense Team” refers to (1) the defendant’s
23 counsel of record, (2) other attorneys at defense counsel’s law firm or defense organization who may be
24 consulted regarding case strategy in the above-captioned matter, (3) defense investigators who are
25 assisting defense counsel with this case, (4) retained experts or potential experts, and (5) paralegals,
26 legal assistants, and other support staff to defendant’s counsel of record providing assistance on this
27 case. The term “Defense Team” does not include defendant, the defendant’s family, or other associates
28 of the defendant.

1 9. Defense Counsel must provide a copy of this Agreement to all members of the Defense
2 Team.

3 **C. Disclosure of Protected Materials**

4 10. The Defense Team shall not permit anyone other than the Defense Team to have
5 possession of the Protected Materials, including the defendants themselves.

6 11. No person or party shall use any Protected Materials or information derived from
7 Protected Materials produced in this action for any purpose other than use in the above-captioned case.
8 All Protected Materials shall be used solely for the purpose of conducting and preparing for pre-trial,
9 trial, post-trial, and appellate proceedings (both direct and collateral) in this criminal action and for no
10 other purposes whatsoever, and shall not be used for the economic or other benefit of the defendants, or
11 any third party. Protected Materials may be disclosed only to the categories of persons and under the
12 conditions described in this Protective Order Agreement.

13 12. This Protective Order Agreement does not limit employees of the United States
14 Attorney's Office for the Eastern District of California from disclosing the Protected Materials to
15 members of the United States Attorney's Office, law enforcement agencies, the Court, and defense.

16 13. Defense Counsel shall advise the United States with reasonable notice of any subpoenas,
17 document requests, or claims for access to the Protected Materials by third parties if Defense Counsel is
18 considering disseminating any of the Protected Materials to a third party, in order that the United States
19 may take action to resist or comply with such demands as it may deem appropriate.

20 **D. Filings**

21 14. In the event that a party needs to file Protected Materials with the Court, the filing should
22 be made under seal as provided for by the local rules. If the Court rejects the request to file such
23 information under seal, the party seeking to file such information shall provide advance written notice to
24 the other party to afford such party an opportunity to object or otherwise respond to such intention,
25 including by making a request that the filing party redact the identity of the confidential witness. If the
26 other party does not object to the proposed filing, the party seeking to file such information may file the
27 information without redaction.

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1 **E. Termination or Substitution of Counsel**

2 15. In the event that there is a substitution of counsel prior to final disposition of the case,
3 new counsel of record must join this Protective Order Agreement before any Protected Materials may be
4 transferred from the undersigned defense counsel to the new defense counsel. New defense counsel then
5 will become Defense Counsel for purposes of this Protective Order Agreement, and become Defense
6 Team's custodian of materials, and shall then become responsible, upon the conclusion of appellate and
7 post-conviction proceedings, for complying with the provisions set forth above. All members of the
8 Defense Team, whether current or past counsel, are at all times subject to the Protective Order
9 Agreement and are not relieved by termination of representation or conclusion of the prosecution.

10 **F. Modification of Order**

11 16. Nothing in this Order shall prevent any party from seeking modification to the Order or
12 from objecting to discovery it otherwise believes to be improper. Nothing in this Order shall prevent any
13 party from seeking a more restrictive protective order with regard to particular discovery items.

14 **G. Violation of Order**

15 17. Any person who willfully violates this Order may be held in contempt of court and
16 maybe subject to monetary or other sanctions as deemed appropriate by the Court. This provision does
17 not expand or narrow the Court's contempt powers.

18 **H. Application of Laws**

19 18. Nothing in this Order shall be construed to affect or comment on the admissibility or
20 discoverability of the Protected Materials.

21 19. Nothing in this Order shall be construed to affect the application of and the parties'
22 compliance with the Federal Rules of Criminal Procedure, Local Rules, and applicable statutes.

23 IT IS SO AGREED AND STIPULATED.

24 Dated: October 29, 2024

25 PHILLIP A. TALBERT
United States Attorney

26 _____
27 /s/ JUSTIN GILIO
JUSTIN GILIO
28 Assistant United States Attorney

1 Dated: October 29, 2024
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/s/ RICHARD TAMOR

RICHARD TAMOR

Attorney for Defendant

OSCAR ORELLANA GUEVARA

12 IT IS SO ORDERED.
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Dated: October 30, 2024

/s/ Eric P. Groj

UNITED STATES MAGISTRATE JUDGE